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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 4315**
Jan BARNIKOW et al. : Attorney Docket No. 2006_1322A
Serial No. 10/591,159 : Group Art Unit 1751
Filed October 3, 2006 : Examiner Yong D. Pak
MUTANTS OF O6-ALKYLGUANINE-DNA
ALKYLTRANSFERASE : **Mail Stop: AMENDMENT**

RESPONSE TO RESTRICTION/SPECIES ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction/Species Election Requirement dated October 7, 2008, Applicants hereby elect the invention identified as Group I, claims 1-7, 9-30 and 37, drawn to an AGT mutant and a fusion protein comprising said AGT mutant.

Applicants further elect the sequence given in Example 8, Table 1, second sequence.

For clarity, the elected species has the following mutations vs. AGTM of Example 6:

Lys32Ile, Leu33Phe, Asn150Gly, Ile151Gly, Asn152Asp, Ala154Asp

and wherein AGTM of Example 6 has the following mutations vs. human AGT:

Cys62Ala, Gln115Ser, Gln116His, Lys125Ala, Ala127Thr, Arg128Ala, Gly131Lys,
Gly132Thr, Met134Leu, Arg135Ser, Cys150Asn, Ser151Ile, Ser152Asn, Asn157Gly,
Ser159Glu, truncation at 182.

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

In summary, this means that the elected species has the following mutations vs. human AGT:

Lys32Ile, Leu33Phe, Cys62Ala, Gln115Ser, Gln116His, Lys125Ala, Ala127Thr, Arg128Ala, Gly131Lys, Gly132Thr, Met134Leu, Arg135Ser, Cys150Gly, Ser151Gly, Ser152Asp, Ala154Asp, Asn157Gly, Ser159Glu, truncation at 182.

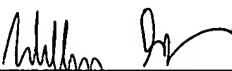
(Underlining means double mutations resulting in the underlined mutation; this is important for the determination whether the species falls under a claim which reads “and optionally 1 to 10 additional amino acid modifications”)

Upon allowance of the elected claims, the Examiner is requested to consider the possibility of rejoinder per M.P.E.P. § 821.04.

Favorable action on the merits is now requested.

Respectfully submitted,

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